

From: Mike Warot
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/24/02 1:08pm
Subject: Microsoft Settlement - Comments

Who I am

I am Michael Warot, US Citizen by birth, programmer, technician, and currently I am the Manager of Information Systems for Live Marketing, a firm in Chicago, Illinois. I have been programming computers almost from the day I first encountered them back in 1979. I have witnessed firsthand the personal computer revolution, the explosive growth of the software industry, the commercialization of the Internet. I am writing this in the hope that my voice, along with others, can make a difference.

My view

I feel that the proposed settlement is not an appropriate remedy for the behavior of Microsoft. The settlement still classifies insiders and outsiders. The only truly effective way to remedy the situation is to force Microsoft to open all of the source code for its products, and those of its subsidiaries (which would no doubt be introduced to attempt to hide the source code from the public). This approach may seem radical, but it offers benefits to both Microsoft, and to the public at large.

1. Opening the source code, and the subsequent documentation of the various protocols that we have been forced to use (remember, Microsoft IS a monopoly), will allow the peer review of the software, and a subsequent enhancement of the value of those protocols to both Microsoft and the public at large, as value is added by all parties as a part of this process.
2. Since Microsoft is the defacto standard in many environments, its massive market share, and trusted brand name will continue to grow if its standards can be adopted on novel and innovative platforms, to which it can surely adapt its software with the rest of us.
3. The proposed settlement limits its scope to Microsoft and OEMs and ISVs with whom it has a legal contract, this allows the inclusion of restrictive language into those agreements which would quickly subvert the intended purpose of the settlement, by creating a new barrier to entry. If you allow the public to interact without these restrictions, the barriers to entry will remain lowered, and innovation can once again be introduced by all players, into the marketplace.
4. The public should have the right to inspect the details of the software on which our national security has been increasingly dependent. Hiding this source code from the public creates an artificial barrier to entry for those peers who wish to study the software to help improve it. It effectively eliminates peer review, which is the only truly effective approach to increasing security.

5. Anything less than full and open disclosure of all software source code and protocol documentation is not justice.

I hope this helps you to understand my perspective on this important matter. I hope that all parties will agree that a more open atmosphere will be beneficial to all parties, and the best approach in the long run.

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